

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

JOHN TOMES,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:22-cv-01140-MHH-SGC
)	
CHERON T. NASH, <i>et al.</i> ,)	
)	
Defendants.)	

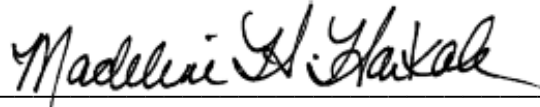
MEMORANDUM OPINION AND ORDER

The magistrate judge entered a report on November 8, 2022, recommending that Mr. Tomes's individual capacity claims against former Warden Cheron T. Nash and Lela Hansen proceed. The magistrate judge also recommended that the Court dismiss the other claims in Mr. Tomes's complaint pursuant to 28 U.S.C. § 1915A(b)(1). (Doc. 6). The magistrate judge advised Mr. Tomes of his right to file specific written objections to the report within 14 days, the Court has not received objections.

After review of the complaint and the magistrate judge's report, the Court adopts the report and accepts the magistrate judge's recommendation. Consistent with that recommendation, Mr. Tomes's claims against Warden Nash and Lela Hansen in those defendants' individual capacities may proceed. The Court refers those claims to the magistrate judge for further proceedings. The Court dismisses

Mr. Tomes's official capacity claims against the individual defendants and his claim against Talladega FCI pursuant to 28 U.S.C. § 1915A(b)(1).

DONE and **ORDERED** this December 5, 2022.

A handwritten signature in black ink, reading "Madeline H. Haikala", written over a horizontal line.

MADELINE HUGHES HAIKALA
UNITED STATES DISTRICT JUDGE